

REMARKS

In response to the final Office Action dated December 30, 2008, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 2-12, 15, and 23-30 are pending in this application. Claims 13-14 and 16-22 were previously withdrawn from consideration by restriction and now canceled. Claim 1 was previously canceled. Claims 24-30 are newly presented and replace the canceled claims.

Rejection of Claims under § 112

The Office rejected claims 2-12, 15, and 23 under 35 U.S.C. § 112, first paragraph, for failing the written description requirement. The independent claims have been amended, so the Office is respectfully requested to re-examine these claims in their current presentations.

Rejection of Claims under § 101

The Office rejected claims 2-12 35 U.S.C. § 101 for claiming non-statutory subject matter. Independent claim 12 has been amended, so the Office is respectfully requested to re-examine these claims in their current presentations.

Rejection of Claims 5-12, 15 & 23

The Office rejected claims 5-12, 15, and 23 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent 5,862,471 to Tiedemann, Jr., *et al.* in view of U.S. Patent 7,043,225 to Patel, *et al.*, in view of U.S. Patent Application Publication 2002/0087674 to Guilford, *et al.*, still further in view of U.S. Patent Application Publication 2004/0132449 to Kowarsch, and still further in view of William Greene, *Sample Selection in Credit-Scoring Models*, JAPAN AND THE WORLD ECONOMY 10, 299-316 (1998).

Claims 5-12, 15, and 23, however, cannot be obvious over *Tiedemann, Patel, Guilford, Kowarsch, and Greene*. These claims recite, or incorporate, features that are not disclosed or suggested by the proposed combination of *Tiedemann, Patel, Guilford, Kowarsch, and Greene*. Independent claim 12, for example, recites “*determining a subcontracted processing service is required from a different service provider*” and “*grouping together individual packets of data that require the subcontracted processing service as a new segment.*” Independent claim 12 also recites “*subcontracting the new segment to the different service provider to receive the subcontracted processing service*” and “*receiving a subcontracted result of the subcontracted processing service.*” Independent claims 15 and 23 recite similar features.

These features are not obvious over *Tiedemann, Patel, Guilford, Kowarsch, and Greene*. *Tiedemann* provides roaming mobile users with notice of roaming expenses. *See* U.S. Patent 5,862,471 to Tiedemann, Jr., *et al.* at column 2, lines 1-8. *Guilford* discloses an algorithm for a wireless device that chooses networks. *See* U.S. Patent Application Publication 2002/0087674 to Guilford, *et al.* at paragraph [0047]. The algorithm analyzes various parameters and directs the wireless device to switch to another service provider’s network. *See id.* at paragraph [0062]. The parameters may include quality of service, cost of service, network load, coverage, and signal strength. *See id.* at paragraphs [0063] through [0068]. *Guilford* also explains that a service provider may request offers from other service providers for processing a service request. *See id.* at paragraph [0097]. The wireless customer’s service provider may accept bids from other service providers. *See id.* at paragraph [0103]. *Patel* describes a “bandwidth” broker or provider that intelligently brokers bandwidth in a cellular network. *See* U.S. Patent 7,043,225 to Patel, *et al.* at column 5, lines 60-67. The bandwidth providers receive requests directly from consumers and broadcast the request to network providers. *See id.* at column 6, lines 5-8. The bandwidth provider receives and evaluates the responses from the network providers. *See id.* at column 6, lines 8-10. A consumer response is generated that may include several offers from different network providers. *See id.* at column 6, lines 11-14. The consumer response may also include open terms for further negotiation by the consumer. *See id.* at column 6, lines 14-15.

Kowarsch discloses credit checks for roaming mobile phones. *Greene* discloses a linear discriminant credit score that classifies applicants as “defaulters” or “nondefaulters.”

Even so, independent claims 12, 15, and 23 are not obvious over *Tiedemann, Patel, Guilford, Kowarsch, and Greene*. No where, for example, do *Tiedemann, Patel, Guilford, Kowarsch, and Greene* teach, suggest, or even contemplate “*determining a subcontracted processing service is required from a different service provider*” and “*subcontracting the new segment to the different service provider to receive the subcontracted processing service.*” The proposed combination of *Tiedemann, Patel, Guilford, Kowarsch, and Greene*, then, cannot obviate independent claims 12, 15, and 23.

Claims 5-12, 15, and 23, then, cannot be obvious over *Tiedemann, Patel, Guilford, Kowarsch, and Greene*. Independent claims 12, 15, and 23 recite features that are not taught or suggested by *Tiedemann, Patel, Guilford, Kowarsch, and Greene*. The dependent claims 5-11 incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 5-12, 15, and 23 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 2-4

The Office rejected claims 2-4 under 35 U.S.C. § 103 (a) as being obvious over *Tiedemann* and *Patel* in view of U.S. Patent 6,058,301 to Daniels and still further in view of *Greene*. Claims 2-4, however, depend from independent claim 12 and, thus incorporate the same distinguishing features. As the above paragraphs explained, *Tiedemann, Patel, and Greene* fail to disclose or suggest “*determining a subcontracted processing service is required from a different service provider*” and “*subcontracting the new segment to the different service provider to receive the subcontracted processing service.*”

Daniels does not cure these deficiencies. *Daniels* describes roaming privileges that reduce fraudulent roaming charges. See U.S. Patent 6,058,301 to Daniels at column 2, lines 19-

21 and at lines 65-67. *Daniels* explains that subscribers with “bad credit histories” may be prevented from roaming. *Id.* at column 4, lines 63-66. Frequent roamers with an established credit history may be allowed to roam. *See id.* at column 5, lines 1-5. Other subscribers may need to be authenticated. *See id.* at column 5, lines 10-13.

Even so, *Tiedemann*, *Patel*, *Daniels*, and *Greene* do not obviate claims 2-4. The proposed combination of *Tiedemann*, *Patel*, *Daniels*, and *Greene* fails to disclose or suggest “determining a subcontracted processing service is required from a different service provider” and “subcontracting the new segment to the different service provider to receive the subcontracted processing service.” One of ordinary skill in the art, then, would not think that claims 2-4, which depend from independent claim 12, are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

New Claims 24-30

This response presents new claims 24-30. These new claims replace canceled claims 13-14 and 16-22. The number of independent claims remains at three (3), and the total number of pending claims remains at twenty (20). No excess claims are believed due.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

Scott P. Zimmerman
Attorney for the Assignee, Reg. No. 41,390